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Remarks:

We note that the Examiner marked both boxes 2a (final action) and 2b (non-final action) in the Status section of the Office Action Summary. Because this Office Action is the first action on the merit of the claims, we presume that the action is non-final.

In the specification, paragraph [0073] has been amended to remove a comment that was made while drafting the application and was mistakenly included in the application as filed. The draft application was amended prior to filing to remedy the issue related to the comment, but the comment was inadvertently left in the application and, therefore, undesirably submitted as part of the application during filing.

Claims 1-26 are currently pending in the application. Applicants acknowledge with thanks the Examiner's determination of allowable subject matter in claims 21-26. By this amendment, claims 11, 12, 14, and 15 are amended to correct informalities not identified in the Office Action. It is respectfully submitted that no new matter is added to the application by these amendments. Reconsideration and reexamination of claims 1-20 is respectfully requested.

Claims 1-4 and 16-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,497,276 to Clark et al. The rejection is respectfully traversed.

For Clark to anticipate these claims, each and every limitation in the claims must be found in Clark. Since such is not the case, the anticipation rejection must fail.

Claim 1 is directed to a combination appliance for cooling and cooking a food item and comprising a frame with a cooking chamber and a refrigeration module chamber, an inlet duct extending between the refrigeration module chamber and the cooking chamber, and a return duct extending between the refrigeration module chamber and the cooking chamber. Claim 1 further calls for a refrigeration module comprising a compressor, a condenser, an evaporator, and a base on which the compressor, the condenser, and the evaporator are mounted to form a module. An insulated housing overlies the evaporator to thermally isolate the evaporator from the condenser and has an inlet and an outlet that align with the return duct and the inlet duct, respectively, when the refrigerator module is mounted within the refrigeration module chamber to form a refrigerated air path between the evaporator and the cooking chamber.

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Clark discloses a combined refrigerator-oven 20 comprising a chamber 28 and a drawer 68 slidably mounted below the chamber 28. "Drawer 68 replaces the conventional drawer used for storage in a conventional stove." (col. 3, lines 56-57) The drawer 68 houses a compressor 76, an evaporator 78, and an expansion valve 79 of a refrigeration unit 70. "A condenser 90 of refrigeration unit 70 is mounted on an outer surface 92 of one of vertical side walls 26. In particular, condenser 90 is mounted to the back one of vertical side walls 26 so that condenser 90 is not visible when refrigerator-oven 20 is in place." (col. 4, lines 29-34) The evaporator 78 includes a cool air duct 80 and a warm air duct 112 that fluidly communicate with an airflow inlet opening 54 and an airflow outlet opening 56 in a bottom wall 24 of the chamber 28 when the drawer 68 is slid below the chamber 28. In operation, refrigerant flows through the refrigeration unit 70 as air warm flows from the chamber 28 and through the warm air duct 112 to the evaporator 78, where it is cooled by the refrigeration unit 70 before flowing back to the chamber 28 through the cool air duct 80.

Clark also discloses an adapter kit for converting a conventional oven to a combined refrigerator-oven. The adapter kit 186 "includes a replacement drawer, such as drawer 68 (FIG. 2) that includes two gate assemblies 114 and refrigeration unit 70. During the conversion, drawer 198 is removed from stove 188 and replaced with a drawer similar to drawer 68 and the appropriate connections are made as described in connection with FIG. 2. In addition, condenser 90 (FIG. 3) is installed on the back one of vertical side walls 194." (col. 9, lines 2-9) Further, "it is anticipated that adapter kit 186 may be used by a trained technician to perform the conversion." (col. 8, lines 63-65)

The Clark refrigeration system is not in the form of a module. The compressor 76 and the evaporator 78 of the Clark refrigeration unit 70, whether installed in the refrigerator-oven 20 or in the adapter kit 186, are mounted within the replacement drawer 68, while the condenser 90 is mounted outside the drawer 68 and on an external surface of the refrigerator-oven 20. The condenser 90 is mounted on the vertical side wall 26 because it "releases heat from the refrigerant to the outside air," (col. 5, lines 4-5) and it would be advantageous to physically separate the evaporator 78 from the condenser 90 so that the heat from the latter does not interfere with the operation of the former. The separation of the condenser from the rest of the refrigeration components is not a modular refrigeration system.

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Conversely, claim 1 expressly calls for the refrigeration system to be a module. Claim 1 expressly requires that the compressor, the evaporator, and the condenser are all mounted on a base to form a module that fits entirely within the refrigeration module chamber for easy installation and maintenance. Therefore, claim 1 is not anticipated by Clark because Clark does not disclose the claimed modular refrigeration system.

Claim 1 is further not anticipated by Clark in that claim 1 expressly calls for an insulated housing covering and Clark does not disclose such an insulated housing. It is asserted in the Office Action that the evaporator housing of Clark is at least somewhat inherently thermally insulating because of the air within the housing that surrounds the evaporator. Applicants respectfully submit that the air within the housing is not the claimed insulating housing. Air within the housing does not perform any insulating function. Rather, the air within the housing is the warm air that circulates from the chamber 28 to the evaporator 78 to be cooled and, therefore, transfers heat to the evaporator 78. Additionally, the air surrounding the evaporator housing does not perform any insulating function. Due to the proximity of the drawer 68 to the bottom wall 24 adjacent the heating unit 50, the air in the drawer 68 is heated by heat conducted through the bottom wall 24, and the heated air in the drawer 68 functions to convectively heat the evaporator 78 rather than insulate the evaporator 78. If the evaporator housing and air therein of Clark is sufficient to thermally isolate the evaporator, then it would not be necessary to mount the condenser outside of the drawer 68.

As explained above, the refrigeration unit of Clark is not modular, the condenser of Clark is not mounted to a base that also mounts the compressor and the evaporator, and the evaporator of Clark does not have an insulating housing, as required by claim 1. For a claim to be anticipated, every limitation of the claim must be found in a single prior art reference. Consequently, Applicants submit that claim 1 is allowable over Clark.

Claims 2-4 are also allowable over Clark based on their direct dependency from claim 1.

Claim 16 specifies that at least a portion of the base is thermally conductive and that the condenser is mounted to the base to transfer heat from the condenser to the thermally conductive portion of the base. As explained above, the condenser 90 of Clark is mounted to the vertical side wall 26 rather than the drawer 68, and Clark does not describe the thermal properties of the vertical side walls 26. Even if the condenser 90 was mounted to the drawer 68, Clark does not

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address the thermal properties of the drawer 68. Hence, Clark does not anticipate claim 16 because it does not disclose a base that mounts the condenser and has a thermally conductive portion. Consequently, claim 16 is independently allowable over Clark and is also allowable over Clark based on its direct dependency from claim 1.

Claims 17-20 are allowable over Clark based on their direct or indirect dependency from claims 1 and 16 and are also independently allowable over Clark for the reasons presented below.

Claim 17 depends from claim 16 and adds a thermally conductive mount connecting the condenser to the base to conduct heat from the condenser to the base. In addition to the arguments presented above for claim 16, Clark does not disclose a thermally conductive mount connecting the condenser 90 to the side walls 26. Thus, claim 17 is patentable over Clark.

Claim 18 also depends from claim 16 and specifies that the evaporator is thermally isolated from the base to retard conduction of heat from the base to the evaporator. In addition to the arguments presented above for claim 16, the evaporator 78 in Clark is mounted to the drawer 68, and Clark does not address the thermal relationship between the evaporator 78 and the drawer 68. Because Clark does not disclose this feature, claim 18 is allowable over Clark.

Claims 19 and 20 depend from claim 18 and further describe the base, its thermal properties, and thermally non-conductive mounts connecting the evaporator to the base to thermally isolate the evaporator from the base. For at least the same reasons as presented above for claim 18, claims 19 and 20 are patentable over Clark.

Claims 5-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Clark. The rejection is respectfully traversed.

Although claim 1 was not rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, claims 5-15 depend directly or indirectly from claim 1. As discussed above, Applicants assert that claim 1 is not anticipated by Clark; Applicants also maintain that claim 1 is not obvious in view of Clark. Claim 1 describes the refrigeration module of the combination appliance as comprising a compressor, a condenser, and an evaporator all mounted to a base to form a module that can easily be installed as a single unit. Conversely, the refrigeration unit 70 of Clark is not modular; the condenser 90 is mounted to the outside of the vertical side wall 26 and separate from the compressor 76 and the evaporator 78. Indeed, Clark teaches the opposite of a *modular* refrigeration unit, and it would not be obvious to move the condenser 90 of the

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Clark refrigeration unit 70 into the drawer 68 with the compressor 76 and the evaporator 78 or to mount all three components on a base because of undesirable and potentially detrimental thermal transfer from the condenser 90 to the evaporator 78. Thus, claim 1 is patentable over Clark.

Claims 5-15 depend directly or indirectly from claim 1, and because claim 1 is not obvious in view of Clark, claims 5-15 are inherently not obvious and are patentable over Clark. Additionally, several of claims 5-15 are independently allowable over Clark for the reasons presented below.

Claim 5 depends from claim 1 and defines the outlet of the inlet duct and the inlet of the return duct as extending through a peripheral wall of the cooking chamber. In Clark, both the inlet 54 and the outlet 56 are specifically described as located in the bottom wall 24 of the chamber 28 and are shown in the figures as disposed directly above the drawer 68 that mounts the evaporator 78 of the refrigeration unit 70. Clark does not teach or suggest positioning the inlet 54 and the outlet 56 elsewhere in the chamber 28. In the Office Action, the Examiner states that shifting location of parts is generally a matter of design choice and thus not inventive. The Applicants respectfully traverse the assertion that the position of the inlet and outlet is a mere design choice. In accordance with MPEP §2144.03, the Applicants request that the Examiner provide a copy of a reference that teaches or suggests that placement of the inlet and the outlet is a design choice. The positions of the inlet and the outlet in the refrigerated oven of the present invention are selected to optimize the circulation of air through the cooking chamber, as described in paragraph [0055] of the application. Had Clark been in possession of the novelty and utility of the placement of the inlet 54 and the outlet 56 in the vertical side walls 26 for improved air circulation, Clark could have easily described such a location for the inlet 54 and the outlet 56. Thus, Clark's own description indicates positioning the inlet 54 and the outlet 56 in the vertical side walls 26, as cited in claim 5, was not contemplated. Consequently, claim 5 is independently patentable over Clark.

Claims 6-10 depend from claim 5 and further define the positions of the inlet and outlet within the cooking chamber. For at least the same reasons as presented above with respect to claim 5, positioning the inlet 54 and the outlet 56 as described in claims 6-10 was not contemplated by Clark and is not obvious in view of Clark. Thus, claims 6-10 are patentable over Clark..

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Claim 12 depends from claim 11 and incorporates an exterior cabinet mounted to the frame and spaced from the peripheral wall of the cooking chamber to define a gap therebetween in which the inlet duct and the return duct are positioned. Clark does not disclose an exterior cabinet in addition to the vertical side walls 26, the top wall 22, and the bottom wall 24, and the cool air duct 80 and the warm air duct 112 are located on the interior of the refrigerator-oven 20 between the bottom wall 24 of the chamber 28 and the drawer 68. The structure of Clark forms a complete refrigerator-oven 20, and it would not be obvious or to add an exterior cabinet to the refrigerator-oven 20. Thus, claim 12 is independently allowable over Clark.

Claim 13 depends from claim 12 and adds insulation within the gap. As described above, Clark does not have an exterior cabinet to form the gap, and Clark does not teach or suggest the use of insulation anywhere in the refrigerator-oven 20, much less the use of insulation within such a gap. The Examiner asserted *without support* "that it is well known in the art of designing both cooking ranges/ovens and refrigerators to insulate the walls of the housings..." In accordance with MPEP §2144.03, Applicants respectfully traverse the assertion and request that the Examiner provide a copy of such a reference since Applicants are not aware of such a reference.

Claim 14 depends from claim 5 and calls for the refrigeration module chamber to comprise a top wall and a depending peripheral wall, wherein the top wall is positioned beneath a bottom wall of the cooking chamber. The refrigeration unit 70 of Clarke is mounted in an open-top drawer 68 slidably mounted beneath the bottom wall 24 of the chamber 28. The bottom wall 24 forms the only partition between the chamber 28 and the drawer 68 that houses the refrigeration unit 70. Thus, Clark does not disclose a refrigeration module chamber top wall located beneath the bottom wall 24 of the chamber 28, and it would not be obvious to add a wall beneath the bottom wall 24. The double wall structure between the cooking chamber and the refrigeration module chamber of the present invention facilitates the thermal separation of the refrigeration module from the cooking chamber to protect the refrigeration module. Not only does Clark not disclose such a structure, but the patent does not even mention thermal isolation concerns with respect the refrigeration unit 70. Thus, claim 14 is independently allowable over Clark.

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Claim 15 depends from claim 14 and specifies that the top wall of the refrigeration module chamber is spaced from the bottom wall of the cooking chamber to form a gap and adds insulation disposed within the gap. As with claim 13, the Examiner asserted that the addition of insulation is well known in the art of designing cooking ranges/ovens and refrigerators, and the Applicants respectfully traverse the assertion and request that the Examiner provide, in accordance with MPEP §2144.03, a prior art reference that teaches or suggests that the use of insulation between a cooking chamber and a refrigeration module chamber is well known in the art.

It is respectfully submitted that all of the claims in the application are allowable over the prior art of record. Early notification of allowability is respectfully requested.

If there are any questions regarding this matter, please contact the undersigned attorney.

Respectfully submitted,

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